

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

GENE BROADNAX,)
)
Plaintiff,)
)
v.) **1:11CV791**
)
SUP'T P.C.I. TODD PINION, et al.,)
)
Defendant(s).)

O-R-D-E-R

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on October 13, 2011, was served on the parties in this action. Plaintiff objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that Plaintiff's complaint [Docket No. 1] be, and the same is hereby, **DISMISSED** pursuant to 28 U.S.C. § 1915A for failing to state a claim upon which relief may be granted except as to Plaintiff's claim that he was subjected to a retaliatory prison transfer in response to his filing of a grievance. The complaint is dismissed without prejudice to Plaintiff refiling that claim after he has

exhausted his administrative remedies. **IT IS FURTHER ORDERED** that Plaintiff's motion for injunction [Docket No. 7] is **DENIED** for lack of good cause. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 30th day of August, 2012

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge